IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.234 OF 2007
IN
CRI.APPEAL NO.203 OF 2007

Shri.Subhash Pandurang Mhatre ..Applicant

Vs.

State of Maharashtra ..Respondent

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Mr.Rajan Salvi counsel for Applicant
Ms.S.V.Gajre, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 9, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has been convicted under Section 307 of IPC and sentenced to R.I. for five years. The applicant is now seeking bail.

3. Mr.Rajan Salvi, the learned advocate appearing for the applicant states that the applicant was bail throughout the trial and he has not misused the liberty granted to him. This statement is not controverted by the prosecution.

4. It is the prosecution case that the applicant assaulted P.W.1 Nikhil Mayekar with "Sura". The learned advocate for the applicant submitted that the case would not fall under Section 307 of IPC. In support of his contention, he has placed reliance on the Injury Certificate Exhibit-69 produced by P.W.7 Dr.Tiwari. The said Certificate shows that all the injuries on the injured person were simple in nature. Prima facie, I find considerable merit in the submission made by the learned advocate for the applicant. Looking to all these facts, I am inclined to grant bail.

5. The applicant to be released on bail in the sum of Rs.20,000/- (Rs.Twenty thousand only) with one or two sureties to make up the said amount. The applicant shall report to Alibag Police Station, once in a month till the disposal of his appeal.

6. Application is disposed of.

[V.K.Tahilramani, J.]